

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-571-RJC

CHARLES EVERETTE HINTON,)
)
Plaintiff,)
)
v.) **ORDER**
)
REBECCA C. EVANS, et al.,)
)
Defendants.)
)

THIS MATTER comes before the Court on initial review of Plaintiff's pro se Complaint filed on November 10, 2011, pursuant to 42 U.S.C. § 1983. (Doc. No. 1).

The Prisoner Litigation Reform Act ("PLRA") makes clear that "[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). This subsection is known as the "three strikes" provision of the PLRA.

Court records indicate that Plaintiff has been a frequent filer in this Court, having filed over 16 civil law suits. By Order dated March 24, 2009, this Court determined that Plaintiff is a "three striker."¹ With respect to the instant case, Plaintiff has not demonstrated that he is under imminent danger of serious physical injury. Therefore, his Complaint must be dismissed without prejudice.

¹ See Hinton v. Curran, et al., 3:09-cv-110, Doc. No. 2.

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff's Complaint is **DISMISSED** pursuant to 29 U.S.C. § 1915(g);
- (2) Plaintiff's Application to Proceed *In Forma Pauperis* is **DENIED**;
- (3) The Clerk is directed to send a copy of this Order to the pro se Plaintiff.

Signed: November 29, 2011



Robert J. Conrad, Jr.
Chief United States District Judge

